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Attorneys for Jacobsen National

Group, Inc.

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT UTAH, CENTRAL DIVISION

In re:

## EASY STREET HOLDING, LLC, et al.,

Debtors.

Address: 201 Heber Avenue Park City, UT 84060

Tax ID Numbers:

35-2183713 (Easy Street Holdings, LLC), 20-4502979 (Easy Street Partners, LLC), and 84-1685864 (Easy Street Mezzanine, LLC) Bankruptcy No. 09-29905 RKM

(Jointly Administered with Cases 09-29907 and 09-29908)

Chapter 11

Honorable R. Kimball Mosier

SECTION 546(b) NOTICE OF INTEREST IN REAL PROPERTY AND RELATED IMPROVEMENTS OF EASY STREET PARTNERS, LLC

## TO THE ABOVE-ENTITLED DEBTORS-IN-POSSESSION AND TO ALL OTHER PARTIES IN INTEREST:

On September 4, 2009, Jacobsen National Group, Inc., aka Jacobsen Construction ("Jacobsen Construction") filed a civil action (the "State Court Action") against Easy Street Partners, LLC, one of the above-named debtors in the above-entitled jointly administered case (the "Debtor"), and numerous other defendants, in the Third Judicial District Court for Summit County, State of Utah, Civil Number 090500784. Among other claims, Jacobsen Construction's claims against the Debtor in the State Court Action seek judicial foreclosure of a mechanics' lien against the Debtor's real property and related improvements, pursuant to the Utah Mechanics' Lien Statute, Utah Code Ann. § 38-1-1 et seq. A true and correct copy of the complaint filed by Jacobsen Construction in the State Court Action is attached hereto as Exhibit "A" and incorporated herein by this reference.

Because the State Court Action was commenced before the filing of the Debtor's Chapter 11 bankruptcy case, Jacobsen Construction does not believe that it is required to file this Notice of Interest in order to maintain or continue its mechanics' lien. See 11 U.S.C. § 546(b) (providing that if applicable law provides for "commencement of an action" to maintain or continue perfection and "such an action has not been commenced before the date of the filing of the petition," the claimant may file a Notice of Interest and thereby maintain or perfect its interest without filing suit). Out of an abundance of caution, however, Jacobsen Construction hereby files this Notice of Interest and, pursuant thereto, provides notice to the Debtor and to all parties in interest that it holds and claims a mechanics' lien against all real property and related improvements owned by the Debtor and described in the attached Exhibit "A" pursuant to Utah Code Ann. § 38-1-1 et seq., and that it intends on pursuing its claims and its mechanics' lien as secured claims in the above-entitled Chapter 11 case.

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DATED this 23<sup>rd</sup> day of September, 2009.

RAY QUINNEY & NEBEKER, P.C.

/s/ Michael R. Johnson

Michael R. Johnson Jonathan A. Dibble Attorneys for Jacobsen National Group, Inc.

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## CERTIFICATE OF SERVICE

I hereby certify that on the 23<sup>rd</sup> day of September, 2009, a true and correct copy of the foregoing was served upon the following parties by depositing a copy of the same in the United States mail, first class postage prepaid, addressed as follows:

Kenneth L. Cannon II Steven J. McCardell **DURHAM JONES & PINEGAR** 111 East Broadway, Suite 900 PO Box 4050 Salt Lake City, UT 84110-4050

Michael V. Blumenthal Steven B. Eichel **CROWELL & MORING LLP** 590 Madison Avenue, 20<sup>th</sup> Floor New York, NY 10022

Office of the United States Trustee Ken Garff Bldg. 405 South Main Street, Suite 300 Salt Lake City, UT 84111

/s/ Aya Gale

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